

20. CEDING OF CONCURRENT JURISDICTION TO THE UNITED STATES NATIONAL PARK SERVICE; JOSHUA TREE NATIONAL MONUMENT, SAN BERNARDINO/RIVERSIDE COUNTIES; WHISKEYTOWN UNIT, SHASTA COUNTY; PT. REYES NATIONAL SEASHORE, MARIN COUNTY; DEATH VALLEY NATIONAL MONUMENT, INYO/SAN BERNARDINO COUNTIES; PINNACLES NATIONAL MONUMENT, SAN BENITO/MONTEREY COUNTIES; AND LAVA BEDS NATIONAL MONUMENT, MODOC/SISKIYOU COUNTIES; AND APPROVAL OF CONTRACT RELATING THERETO - W 20902.

After consideration of Calendar Item 18 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. AUTHORIZES THE STATE LANDS DIVISION STAFF TO HOLD A PUBLIC HEARING PURSUANT TO GOVERNMENT CODE SECTION 126 AND THE RULES AND REGULATIONS OF THE COMMISSION FOR THE PURPOSE OF DETERMINING WHETHER IT IS IN THE BEST INTEREST OF THE STATE TO CEDE CONCURRENT JURISDICTION TO THE UNITED STATES NATIONAL PARK SERVICE OF THE PARCELS OF LAND AT JOSHUA TREE NATIONAL MONUMENT, SAN BERNARDINO/RIVERSIDE COUNTIES; WHISKEYTOWN UNIT, SHASTA COUNTY; PT. REYES NATIONAL SEASHORE, MARIN COUNTY; DEATH VALLEY NATIONAL MONUMENT, INYO/SAN BERNARDINO COUNTIES; PINNACLES NATIONAL MONUMENT, SAN BENITO/MONTEREY COUNTIES; AND LAVA BEDS NATIONAL MONUMENT, MODOC/SISKIYOU COUNTIES; CALIFORNIA.
2. APPROVES THE CONTRACT BETWEEN THE STATE LANDS COMMISSION AND THE U. S. NATIONAL PARK SERVICE, ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, TO REIMBURSE THE STATE LANDS COMMISSION FOR COSTS PURSUANT TO THE REQUEST OF THE NATIONAL PARK SERVICE FOR CEDING CONCURRENT JURISDICTION.

Attachment:

Calendar Item 18 (2 pages)

CALENDAR ITEM

18.

5/75
SCL
W 20902

CEDING OF CONCURRENT JURISDICTION

At its March 2, 1975 meeting, the State Lands Commission authorized a public hearing concerning the retrocession of concurrent jurisdiction of certain lands controlled by the United States National Park Service. The State Lands Commission also approved a contract between the U.S.N.P.S. and the State Lands Commission to reimburse the State Lands Commission for costs incurred pursuant to action taken on the request of the U.S.N.P.S. Prior to the actual hearing, it was discovered that the request of the N.P.S. was incorrect. The N.P.S. actually needed a ceding of concurrent jurisdiction from the State, not a retrocession from the N.P.S. to the State. The lands in question are held by the N.P.S. in a proprietary capacity only.

On April 22, 1975, a meeting was held with Joseph L. Orr, Chief of Division of Resources Management and Visitor Protection for the Western Region of the N.P.S., to review the earlier request of the N.P.S. and discuss the action required.

The following N.P.S. areas are involved:

Joshua Tree National Monument, San Bernardino/Riverside Counties

Whiskeytown Unit, Shasta County

Pt. Reyes National Seashore, Marin County

Death Valley National Monument, Inyo/San Bernardino Counties

Pinnacles National Monument, San Benito/Monterey Counties

Lava Beds National Monument, Modoc/Siskiyou Counties

Also submitted was a new contract executed by the National Park Service reimbursing the State Lands Commission for all costs incurred pursuant to the request for ceding concurrent jurisdiction.

Government Code Section 126 provides for cession of jurisdiction by the State of land within this State whenever the United States has requested in writing that the State cede such concurrent jurisdiction. Section 126 also provides for the State Lands Commission, after a public hearing, to determine that

A 1, 9, 24, 29, 34, 67, 75
S 1, 2, 11, 16, 17, 34, 38

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the ceding of such concurrent jurisdiction is in the best interest of the State. The section further provides that the State Lands Commission shall be reimbursed for all costs by the agency requesting the ceding of concurrent jurisdiction.

This request by the National Park Service is pursuant to 16 U.S.C. Sections 1 and 3, and 40 U.S.C. Section 255, as well as their letter request of February 26, 1975. Based upon the foregoing, it is necessary that the State Lands Commission hold a public hearing to determine whether ceding of concurrent jurisdiction of such lands is in the best interest of the State. Notice of such hearing is to be published pursuant to Section 6061 of the Government Code in the Counties of San Bernardino/Riverside, Shasta, Marin, Inyo/San Bernardino, San Benito/Monterey and Modoc/Siskiyou. After the hearing the matter will be brought back before the Commission for its determination of State interest.

EXHIBITS: A. Location Map. B. Contract.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE STATE LANDS DIVISION STAFF TO HOLD A PUBLIC HEARING PURSUANT TO GOVERNMENT CODE SECTION 126 AND THE RULES AND REGULATIONS OF THE COMMISSION FOR THE PURPOSE OF DETERMINING WHETHER IT IS IN THE BEST INTEREST OF THE STATE TO CEDE CONCURRENT JURISDICTION TO THE UNITED STATES NATIONAL PARK SERVICE OF THE PARCELS OF LAND AT JOSHUA TREE NATIONAL MONUMENT, SAN BERNARDINO/RIVERSIDE COUNTIES; WHISKEYTOWN UNIT, SHASTA COUNTY; PT. REYES NATIONAL SEASHORE, MARIN COUNTY; DEATH VALLEY NATIONAL MONUMENT, INYO/SAN BERNARDINO COUNTIES; PINNACLES NATIONAL MONUMENT, SAN BENITO/MONTEREY COUNTIES; AND LAVA BEDS NATIONAL MONUMENT, MODOC/SISKIYOU COUNTIES; CALIFORNIA.
2. APPROVE THE CONTRACT BETWEEN THE STATE LANDS COMMISSION AND THE U. S. NATIONAL PARK SERVICE, ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, TO REIMBURSE THE STATE LANDS COMMISSION FOR COSTS PURSUANT TO THE REQUEST OF THE NATIONAL PARK SERVICE FOR CEDING CONCURRENT JURISDICTION.